

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

TIFFANY BATES-STROUD,

Plaintiff,

Case No. 1:19-cv-177

v.

AARON'S SALES & LEASE OWNERSHIP, INC.

d/b/a Aaron's, Inc.,

Defendant.

COMPLAINT

The Plaintiff, Tiffany Bates-Stroud ("Plaintiff"), hereby sues the Defendant, Aaron's Sales & Lease Ownership, Inc., d/b/a Aaron, Inc. ("Aaron's"), and alleges:

Parties, Jurisdiction and Venue

1. Plaintiff is an individual and a resident of Blackford County, Indiana.
2. Aaron's is a Georgia corporation with its principal place of business in Atlanta, GA.
3. This is an action brought pursuant to 47 U.S.C. § 227. Accordingly, this Court has jurisdiction over this action under 28 U.S.C. § 1331 because this is a civil action arising under the laws of the United States.
4. This is also an action between citizens of different states where the matter in controversy exceeds \$75,000.00. The Plaintiff is a citizen of Indiana and Aaron's is a citizen of Georgia. Plaintiff is seeking more than \$75,000.00 in this action.
5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this district.

6. All conditions precedent to bringing this action have occurred, been performed, or have been waived.

Factual Allegations

7. Plaintiff had an account with Aaron's (the "Account"). Plaintiff was unable to pay the balance on the Account as it came due.

8. Aaron's began calling the Plaintiff's cellular telephone to collect the balance on the Account. Aaron's has called Plaintiff's cellular telephone approximately 10 times a day for the past six months. Aaron's placed each of these calls to Plaintiff's cellular telephone using an artificial and/or prerecorded voice.

9. Plaintiff has clearly and definitely demanded that Aaron's stop calling her numerous times during telephone conversations with Aaron's representatives.

10. After Plaintiff demanded that Aaron's stop calling her, Aaron's called Plaintiff's cellular telephone numerous times using an artificial and/or prerecorded voice.

11. Aaron's has placed hundreds of telephone calls to Plaintiff's cellular telephone number using an artificial and/or prerecorded voice without Plaintiff's consent.

12. Aaron's directed the above-described phone calls to Plaintiff in the Northern District of Indiana, and Plaintiff received the calls in the Northern District of Indiana.

COUNT I – VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT

13. Plaintiff incorporates and realleges paragraphs 1 through 12 as if stated fully herein.

14. Aaron's called Plaintiff's cellular telephone using an artificial and prerecorded voice without Plaintiff's prior express consent.

15. The conduct of Aaron's constituted multiple violations of 47 U.S.C. § 227(b)(1)(A)(iii).

16. Because Plaintiff clearly revoked consent for Aaron's to contact her, and Aaron's knowing called Plaintiff using artificial and prerecorded voice after such revocation, Aaron's violations of the TCPA were knowing and willful.

17. As a direct and proximate result of the wrongful conduct of Aaron's, Plaintiff has suffered actual damages, including mental anguish, embarrassment, loss of time, and financial harm.

WHEREFORE, the Plaintiff, Tiffany Bates-Stroud ("Plaintiff"), hereby demands judgment against the Defendant, Aaron's Sales & Lease Ownership, Inc., for actual damages, statutory damages in the amount of \$1,500.00 for each violation of the TCPA, court costs, injunctive relief, and any other further relief this Court deems just and proper.

Demand for Jury Trial

Plaintiff Tiffany Bates-Stroud hereby demands a jury trial on all claims asserted in this Complaint and otherwise later asserted in this lawsuit.

DATED: April 23, 2019.

Respectfully submitted,

/s/ Joshua A. Mize

Joshua A. Mize, Esq.

Florida Bar No. 86163

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